



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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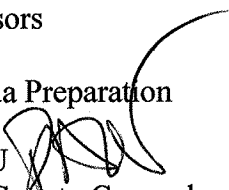
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February 18, 2015

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TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Latisha Clayton v. County of Los Angeles, et al.
United States District Court Case No. CV 12-7210

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Latisha Clayton v. County of Los Angeles, et al., United States District Court Case No. CV 12-7210, in the amount of \$250,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit concerns allegations of two false arrests by Sheriff's Deputies.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Latisha Clayton v. County of Los Angeles, et al.
CASE NUMBER	CV 12-7210
COURT	United States District Court
DATE FILED	Complaint filed: August 22, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 250,000
ATTORNEY FOR PLAINTIFF	Christopher Driscoll Jonas & Driscoll, LLP
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>Plaintiff Latisha Clayton, alleges that she was falsely arrested on November 9, 2010 for narcotics sales and then falsely arrested again, on December 10, 2010, for witness intimidation.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$250,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 214,430
PAID COSTS, TO DATE	\$ 39,700



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Tuesday, November 9, 2010 and Friday, December 10, 2010
Briefly provide a description of the incident/event:	<p><u>Latisha Clayton v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-047</p> <p>In late 2009, two Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Operation Safe Streets Bureau, were participating in a multi-agency task force with representatives from the United States Drug Enforcement Agency, United States Immigration and Custom Enforcement, and the United States Attorney General's Office investigating gang activity, drug trafficking, and weapons violations in northern Los Angeles County.</p> <p>On Tuesday, November 9, 2010, the plaintiff was arrested by the two Los Angeles County deputy sheriffs after she was identified as the person who delivered a package containing narcotics to a residence under surveillance by members of the task force.</p> <p>On Friday, December 10, 2010, the plaintiff appeared in court pursuant to her November 9, 2010 arrest. The two Los Angeles County deputy sheriffs also were in the courtroom for the same case. The plaintiff was later arrested by the two deputy sheriffs after she made a threatening statement to one of the deputy sheriffs as he exited the courtroom. The statement was interpreted by the deputy sheriff as a threat and an attempt to dissuade him from providing testimony in her criminal case.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is the possibility that photographs used to identify the plaintiff during the investigation in a criminal matter were unreasonably suggestive and, consequently, biased.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

These two incidents were investigated by representatives from the Los Angeles County Sheriff's Department's Operation Safe Streets Bureau. The first investigation found that the employee's conduct appeared reasonable and in compliance with procedures, policies, guidelines or training. The second investigation (into the second incident) yielded an identical conclusion.

No employee misconduct is suspected, and no systemic issues were identified. Consequently, no personnel-related administrative action was taken.

Upon the filing of the lawsuit, these two incidents were reviewed by representatives of the Los Angeles County Sheriff's Department's Risk Management Bureau Corrective Action Unit. Their investigation revealed that the involved members of the Los Angeles County Sheriff's Department followed established protocols and policies in effect at the time. They also concurred no employee misconduct was committed, and no systemic issues were identified.

In order to preclude a recurrence, the Los Angeles County Sheriff's Department's Risk Management Bureau believes two newsletters would be valuable:

- On or before **February 11, 2015**, the Los Angeles County Sheriff's Department will develop, publish, and distribute a newsletter which will summarize the issues in this case; and,
- On or before **February 11, 2015**, the Los Angeles County Sheriff's Department will develop, publish, and distribute a newsletter to remind employees engaged in any investigative process of the importance of objective and unbiased photographic line-ups.

3. Are the corrective actions addressing department-wide system issues?

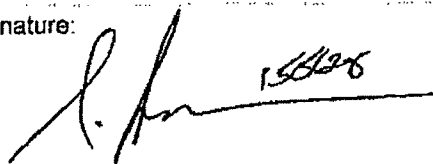
- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department.

Name: (Risk Management Coordinator)

Scott E. Johnson, Captain
Risk Management Bureau

Signature:



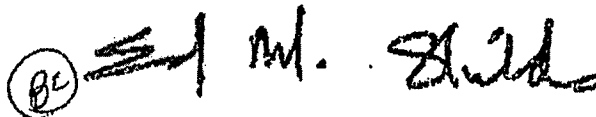
Date:

12-12-14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:



Date:

12/22/14

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Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:

Date:

Destiny Castro

12/22/2014